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Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Argentina

Addendum

Replies of Argentina to the recommendations and requests for information made by the Subcommittee* **

* The present document is being issued without formal editing.

** On 15 November 2013, the State party announced its decision to make public its replies to the recommendations and requests for information made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its report on its first periodic visit to Argentina. The present document is being issued in accordance with article 16, paragraph 2, of the Optional Protocol.

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I. Report of the Ministry of Security

II. Reports of the National Directorate of the Federal Prison Service and the Under-Secretariat for Prison Management

III. Report of the Community Medicine Directorate

IV. Report of the National Secretariat for Children, Young Persons and the Family

V. Implementation of the National Mental Health Act No. 26657

VI. Report of the Province of Buenos Aires

*** The annexes may be consulted in the archives of the secretariat of the Committee.

I. National preventive mechanism

1. The National Executive is currently in the process of drafting implementing regulations for Act No. 26827 establishing the National System for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The text is being redrafted in order to strengthen some of the following key points, which could otherwise prove problematic:

(a) Federalism (aspect imposed by our federal State structure): a review of the Act was conducted to spot any conflicts which could arise in future between the provincial and federal jurisdictions, in order to use the regulatory text to avoid such issues;

(b) Independence of members of the national preventive mechanism (aspect linked to the obligation set forth in international standards): some legal points have been regulated in order to strengthen the articles that guarantee the functional independence of the members of the national preventive mechanism;

(c) Democratization of decision-making within the security forces (aspect linked to the need to prevent violent acts): given that governance is one of the main issues facing the security forces (whether in prisons or in other contexts), an effort has been made to include democratic methods of decision-making in the regulatory text;

(d) Concepts of place of detention and deprivation of liberty (aspect linked to the recommendations contained in the Optional Protocol and of the Association for the Prevention of Torture): the text of Act No. 26827 does not contain a sufficiently broad definition of the terms "place of detention" and "deprivation of liberty". The aim was therefore expressly to include the concept of "any place where a person is deprived of liberty, detained or imprisoned" in the regulation of the Act in order to cover temporary detention on the public highway, during transfers in patrol cars and any other possible transit setting;

(e) Emphasis on the prevention of torture (aspect linked to the specific objective attributed to the national preventive mechanism): in order to strengthen the specific objective of the national preventive mechanism, certain articles were added in order to place more emphasis on preventing torture.

2. In drafting the regulations for Act No. 26827, the following instruments were taken into account (some used as direct sources and others only for comparative purposes):

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Act No. 23338);
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Office of the Ombudsman for the Prison System (Act No. 25875) and Rules of Procedure of the Office of the Ombudsman for the Prison System (Decision No. 37/2011);
- National Ombudsman's Office (Act No. 24284);
- National Mental Health Act (Act No. 26657) and Implementing Regulations for the National Mental Health Act No. 26657 (Decree No. 603/2013);
- Istanbul Protocol – Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- Analytical self-assessment tool for national prevention mechanisms: A preliminary guide by the Subcommittee on Prevention of Torture regarding the functioning of a national preventive mechanism (CAT/OP/1);
- Guidelines of the Subcommittee on national preventive mechanisms (CAT/OP/12/5);
- Procedure governing the power granted to the President of the Nation to appoint judges to the Supreme Court of Justice, set forth in article 99, paragraph 4, of the Constitution (Decree No. 222/2003);
- Handbook No. 1527 of 6 November 2009 regulating the procedure for implementing the National Preventive Mechanism Unit of the Ombudsman's Office of Costa Rica;
- Decree No. 1172/2003 (Access to public information).

II. Provincial preventive mechanisms

3. On 16 and 17 May 2013, the Federal Human Rights Council met in Mendoza for its seventeenth plenary session.

4. At its previous session, the Chairperson of the Federal Human Rights Council, Martín Fresneda, Secretary for Human Rights, had identified the subject of institutional violence as a priority for the work of all secretaries and deputy secretaries for Human Rights in the provinces. The National Preventive Mechanism Act had recently been adopted and the local secretaries had been urged to provide political impetus to the provincial mechanisms projects.

5. At this session, Minister Federico Villegas Beltrán, Director-General for Human Rights of the Ministry of Foreign Affairs and Worship, was invited to join the panel discussion on national preventive mechanisms. The Minister made reference to the international obligations arising from the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the need to draft regulations for and implement the National Preventive Mechanism Act and set up the Federal Council of Local Mechanisms.

6. In order to join the Federal Council of Local Mechanisms, provinces need to adopt and implement their own mechanism in accordance with the requirements laid down in national law. The provinces of Chaco and Río Negro reported that they have already passed legislation establishing a local mechanism and have implemented it. Mendoza, Tucumán, Salta and Tierra del Fuego have passed the relevant legislation but have not yet regulated or established a local mechanism. Buenos Aires, La Pampa, Misiones and Entre Ríos have confirmed that they have obtained the political commitment of their respective legislatures to approve a local mechanism in the near future, even perhaps before the next legislative elections.

7. Minister Villegas Beltrán said that putting an end to immunity for crimes against humanity granted the moral authority to move forward with the implementation of preventive mechanisms, which would act as a bridge between past and future in terms of human rights.

III. Security forces

8. After evaluating each of the observations concerning police performance and conditions of detention observed in the third and fifteenth district police stations of the Federal Police Force of Argentina, the Ministry of Security compiled the following

information (see annex I) on the methods that have been adopted or planned in response to the relevant points of the Subcommittee's report on its visit.

Police custody: general issues

1. Information on the rights of persons held in custody

9. The Ministry of Security is taking steps to inform the general public of their rights in an effort to strengthen the protection measures afforded to all citizens of the country. To that end, an advert was placed on the social networks starting 3 May 2013 with a view to informing Argentine residents of their rights and strengthening the protection mechanisms used to combat police abuse.

10. The advert also appeared in places of detention operated by the Federal Police Force of Argentina, with the explicit aim of making detainees in prison facilities and their families aware of their rights.

2. The right to notify a third party

11. As to the lack of notification of third parties following arrest, and the suggestion that registries of calls should be kept, it may be noted that federal police prisons do keep a record of all calls made by detainees, including the date and time of each call and whether it was successful. The recording of entries in the call log is obligatory and appears under No. 59 "detainee call log".

3. Medical examinations and medical assistance during police custody

12. In relation to this comment, it should be noted that the Code of Criminal Procedure provides for forensic medical examinations to be performed in all cases involving federal police procedures and activities. As to the form in which the medical examiners of the police and security forces perform medical examinations, it may be noted that steps are being taken to implement the basic principles contained in the Istanbul Protocol, in order to ensure that the health of every detainee is properly assessed.

4. Staffing

13. Since the establishment of the Ministry of Security at the end of 2010, a series of measures have been put in place to improve the working conditions for all ministry staff. To that end, several steps have been taken to provide institutional support and to ensure the protection of the physical integrity and lives of all serving personnel.

14. Psychological support is provided to all staff who have participated in events involving the use of firearms and to their families, and an incentive scheme has been introduced for staff who make proper use of force. Such measures have resulted in lives being saved and to increases in salaries in general. The Ministry also analyses and investigates any death or injury of police officers in order to find the most appropriate means of preventing such occurrences in future.

15. A Health Screening Programme has also been introduced, which primarily focuses on assessing the prevalence of cardiovascular risk factors and the oral and visual health of members of the police and security forces attached to the Ministry.

16. There has also been continuous investment in equipment. More than 222 million pesos have recently been allocated for the acquisition of new vehicles for the security forces, including patrol cars, motorcycles and four-wheelers. The vehicles are fitted with technical equipment that can capture 360 degree images, read number plates and

automatically check whether vehicles have been reported stolen or are subject to any kind of restriction.

17. The Buenos Aires Safer City Plan has also been introduced in order to provide police officers with the technical tools they require to conduct their criminal investigations. A modern Command and Control Centre located in the Central Department of the Federal Police Force is responsible for overseeing the plan and monitors the cameras installed throughout the Autonomous City of Buenos Aires as well as the dome cameras of 200 technically equipped patrol cars. The Buenos Aires Safer City Plan also provides for the modernization of operational protocols and the retraining of police officers in the use of the new tools.

5. Other policies implemented by the Ministry of Security

18. The Ministry of Security is taking concrete steps to guarantee full respect for the human rights of all Argentine citizens. The measures taken to that end include:

(a) Adapting police and security forces' responses to comply with the Mental Health Act, in order to preserve the physical and mental security of persons who pose a risk to themselves or others and are suspected of suffering a mental health condition or being problematic drug users (Decision No. 506/2013, contained in annex 1);

(b) Following up disciplinary measures taken in relation to human rights violations. Under this policy, the National Human Rights Directorate of the Ministry of Security collects information from various prison establishments on possible cases of torture or institutional violence, collates the data and investigates the facts to determine the circumstances, the type of conduct and the particular staff involved;

(c) Establishing the Directorate for Monitoring the Causes of Institutional Violence and Crimes of Federal Interest. The main responsibilities of the Directorate include:

(i) Cooperating with any requests arising from judicial investigations into cases of institutional violence involving the police and security forces;

(ii) Monitoring court cases involving members of the police and security forces in coordination with other internal and external oversight mechanisms;

(iii) Participating, as required by the National Human Rights Directorate of the Ministry of Security, in the design and development of standards and protocols for the police and security forces pursuant to international rules on the use of force;

(iv) Proposing methods for optimizing investigations into cases of institutional violence;

(v) Collaborating with the National Directorate for Coordination and Liaison with the Judicial Branches of the Ministry of Security in the design of information registration, systematization and analysis criteria and systems for the detection and monitoring of cases and/or investigations of federal interest;

(vi) Gathering information from the courts and Public Legal Service in coordination with members of the National Internal Security Council;

(vii) Assisting in the preparation of reports aimed at gaining a better understanding of the criminal motivations of members of the police and/or security forces;

(d) Ministerial Decision No. 1181/2011 stipulates that the federal police and security forces must respect the chosen gender identity of transvestites, transsexuals and

transgender persons. Steps have therefore been taken to amend detention reports, registers and records as well as other records and paperwork accordingly;

(e) Pursuant to Resolution No. 1515/2012, the Ministry of Security restricts the carrying, possession and transport of service weapons for police and security forces officers with a history of domestic violence, who are on psychological leave or who are under investigation for the misuse of firearms. These protection measures are designed to prevent violence against women, within families and in interpersonal relationships.

IV. Federal police custody

A. Conditions of detention

19. Since its establishment in 2010, the Ministry of Security has monitored the temporary conditions of accommodation of all detainees held in police and security force custody.

20. This policy lies at the heart of the mandate of the National Human Rights Directorate of the Ministry, which pursuant to the provisions of Decree No. 2009/2010, must, inter alia, "evaluate, coordinate and supervise the security force's application and enforcement of local rules and international treaties and conventions relating to international human rights law".

21. The policy comprises a schedule of periodic reports prepared with the Prison Commission of the Chief Public Defender's Office. These reports contain details of all persons temporarily detained on any premises of the Argentine Naval Prefecture or National Gendarmerie, including the dates of their admission and release where applicable, their procedural status and the judicial authority responsible for their detention. Such data are published fortnightly and include information on the accommodation capacity of each prison establishment.

22. A project has also been introduced to survey and refurbish federal police stations which come under the authority of the Ministry of Security. The aim is to evaluate what measures are needed to improve the conditions of detention for persons temporarily held in police custody.

23. As to the need for the Federal Government to audit the material conditions of detention for persons deprived of their liberty and the frequency of visits by monitoring bodies, since its establishment the Ministry of Security has devised a series of monitoring and audit mechanisms. These measures have included the introduction of a free complaints hotline (0800-555-5065) for reporting and duly investigating police abuse, as well as the establishment of a national inspection body designed to regularly audit police and security force premises which come under the authority of the Ministry of Security.

24. Lastly, the Ministry of Security has laid down that minors who have been deprived of their liberty following an offence should not be held in police custody but rather be sent directly to the Admissions and Referral Centre operated by the Secretariat for Children, Young Persons and the Family of the Ministry of Social Development.

B. Torture and ill-treatment

25. With regard to the observations concerning allegations of police brutality during arrests and the disproportionate use of force and/or firearms, the Ministry of Security has adopted specific measures and policies to reverse this worrying trend.

26. The aforementioned free complaints hotline was adopted as one such measure. Through the complaints system, the Ministry can detect police abuse and after considering the alleged facts, decide whether administrative proceedings should be brought to ascertain the liability of the police officers concerned, and where applicable, whether to refer the matter to the courts for appropriate judicial investigation.

27. Ministerial Decision No. 933/2012 also set up the Rational Use of Force and Use of Firearms Programme. This programme, which is run by the Secretariat for Coordination, Planning and Training of the Ministry of Security, organizes and coordinates various targeted measures to improve the police and security forces' professional use of force, with the aim of preserving the life and physical integrity of both police and security staff and the community which they serve. To that end, the programme provides training, logistical support, monitoring and institutional support within the police and security forces with a view to promoting work routines and the principle of the rational use of force in accordance with the protection of human rights and international standards, while preventing and discouraging authoritative practices, abuses of power and institutional violence and torture by police and security staff. One of the main objectives of the programme to combat ill-treatment and torture is to train and build the capacity of members of the police and security forces. At present, the programme is focusing on retraining and building the capacity of police and security staff, particularly those assigned to operative posts. The most notable initiatives include:

(a) Police doctrine and training centre: in the case of the Federal Police of Argentina, this centre was established to provide further training opportunities for police staff in techniques and exercises that apply the principle of the rational and progressive use of force to solve everyday, practical policing situations;

(b) Specific training in the use of force and public safety: this training is designed to improve the response of the National Gendarmerie and Naval Prefecture in urban settings, particularly in the context of their deployment to the Cinturón Sur (southern belt) operation;

(c) Study workshops against institutional violence: this year, for the first time, these workshops were held at all initial and higher training colleges of the federal police and security forces to celebrate the "National Day Against Institutional Violence" on 8 May, which was established by the National Congress in Act No. 26811. The aim of the workshops was to consider ways of combating institutional violence by discussing the meaning of violence in general and institutional violence in particular, through the study of individual cases of institutional violence involving members of the police and security forces, who had already been socially and criminally condemned. The activities in individual training colleges ended with a panel discussion attended by the chiefs of the police and the security forces and the political authorities of the Ministry of Security, the National Secretariat for Human Rights, the National Congress and the Chief Public Defender's Office, the families of victims of institutional violence and the representatives of human rights organizations. These activities took place at all training colleges, at all levels and specializations, of the four federal forces, benefiting more than 7,000 cadets and police and security force applicants. The main objective of the activities was to reflect on the acts of violence perpetrated by members of these institutions and the resulting harm caused to the relations between the police and security forces and the community which they serve, as well as potential consequences to life. Another objective was to make students at all levels aware of their responsibilities as officers to enforce the law, perform their duties efficiently and professionally and guarantee the life and physical integrity of all their fellow citizens.

28. Detecting police irregularities is another main focus of the programme to combat irregularities and malpractice. This is achieved by monitoring the police and security forces

and investigating all cases of the use of firearms involving police and security forces personnel. In terms of monitoring, efforts have been made to improve information networks, data collection and the analysis of all cases involving the use of firearms in the police and security forces, with a view to obtaining more reliable information that can be used to analyse the general problem of the use of force. The data collection, storage and processing system of the police and security forces has therefore been improved thanks to the establishment of clear and transparent information circuits, the introduction of a single system for recording data concerning the use of firearms, the generation of statistics and the preparation of reports.

29. In addition, the Ministry of Security, in Decision No. 1069, has instructed the police and security forces to immediately inform the Rational Use of Force and Use of Firearms Programme of any incident involving the use of firearms. The standing monitoring team for investigating disciplinary matters in the police and security forces is in charge of dealing with cases involving the use of firearms with equipment designed to collect useful evidence for administrative or judicial investigations into police activities.

30. In terms of investigations, the programme organizes and coordinates the investigation of all cases involving the use of firearms by police and security forces officers in order to ascertain the actions and responsibilities of those involved and to sanction irregularities, excessive use of force or any form of conduct contrary to police regulations, where appropriate. To that end, the Under-Secretariat for Coordination with the Judiciary and the Public Prosecution Service and the Directorate for Monitoring the Causes of Institutional Violence within the Ministry work in partnership to follow up and monitor judicial proceedings related to police activities. They also coordinate with the judiciary and the Public Prosecutor on cases involving police or security force personnel.

31. In administrative terms, Ministerial Decision No. 1069/2012 has made it mandatory to conduct administrative investigations, regardless of court proceedings, in all cases resulting in death and/or injury and/or actions contrary a priori to the regulations governing the use of firearms. The Under-Secretariat for Security Policy and Territorial Response and the National Human Rights Directorate are responsible for initiating, monitoring and following up disciplinary proceedings.

V. Federal prisons

32. The National Directorate of the Federal Prison Service and the Under-Secretariat for Prison Affairs, attached to the Ministry of Justice and Human Rights, have prepared reports on the preliminary and concluding observations of the Subcommittee (see annex 2). Some of the substantive points of those reports are reproduced below.

A. General issues

33. The National Directorate of the Federal Prison Service notes that the management model of the Federal Penitentiary Service in line with national public policy is based on the exercise of authority through transparent and accountable political and institutional processes, which respect the dignity of persons and encourage the participation of citizens and other relevant government agencies.

34. Inclusive policies have been conducted for the purpose of building a sense of citizenship and re-establishing family bonds, following the paradigm shift towards prioritizing the full respect for and comprehensive protection of the rights of persons deprived of their liberty as being essential for establishing the appropriate capacity-building and training activities required for successful social integration.

35. Cadets currently prepare a degree in correctional treatment at the National Prison Service Training College, in courses given by teachers from the National University of Lomas de Zamora, to which they belong. This affords the opportunity to take part in training for the community.

36. **Civil governance of the Federal Prison Service**: The Federal Prison Service has its own democratic civil governance system. According to State prison policy, candidates applying for prison governorships must demonstrate previous commitment to fully respecting the human rights of persons deprived of their liberty, while prison management must similarly implement policies designed to build citizenship, improve social integration and re-establish family bonds.

37. In order to implement these commitments to management, institutional modernization and cultural change, the Federal Government decided six years ago to put civilians, chosen for their background and their dedication to fundamental values and human rights, in charge of the Federal Prison Service. In line with government polices, the Federal Prison Service comes under the authority of the Under-Secretariat for Prison Management, which is attached to the Ministry of Justice and consequently the Minister of Justice and Human Rights. In that regard, the following appointments were made:

- Alejandro Marambio Avaria, by Decision No. 740 of 13 July 2007 of the Ministry of Justice, Security and Human Rights;
- Víctor Eduardo Hortel, by Decision No. 435 of 1 April 2011 of the Ministry of Justice, Security and Human Rights;
- Alejandro Marambio Avaria, by Decision No. 1427 of 25 August 2013 of the Ministry of Justice, Security and Human Rights.

1. Assignment of detainees to prisons

38. The National Directorate of the Federal Prison Service reports that preference is usually given for persons deprived of their liberty to be held near their family home, in order to maintain and strengthen family bonds and prevent any sense of uprooting. Sometimes, however, this is not possible, since detainees must be housed in accordance with an objective classification, depending on their legal status and phase and duration of treatment, in a unit that offers appropriate facilities, so that every effort is made to maintain detainees' contacts with family and/or friends in the event of their being transferred away from the area.

39. Prisons of the Federal Prison Service in Argentina are located according to such factors as the orders of different federal courts, population density and the family residence of persons deprived of their liberty.

40. In order to mitigate the effects of the distance which sometimes separates detainees from their families, technological advances are used at the federal level as an effective tool to facilitate communication, with the installation of an electronic messaging system, including a videoconferencing facility using digital cameras at either end of a network, allowing for text, vocal and visual exchanges (chat, video calls and voice).

41. While the aim of the messaging system is to strengthen primary affective ties, prevent social and psychological uprooting, maintain family relationships and thus improve conditions of detention, other provisions contained in Act No. 24660 are also designed to strengthen affective ties between persons deprived of their liberty and their families. The social services of the prisons can assist persons deprived of their liberty on request to obtain transfers closer to home if they are held in facilities located more than 300 kilometres away from their family home (article 44 of the Communications Regulations for Inmates, Decree No. 1136/97).

42. The National Directorate of the Federal Prison Service notes that persons deprived of their liberty in the interior of the country, who are starting or in the course of their probation period and are entitled to temporary leave, may apply to be transferred to an establishment closer to their family residence. Such transfers are also encouraged as a means of facilitating detainees' progressive resettlement in a social and family environment.

43. Similarly, transfers are encouraged for persons who are nearing conditional or assisted release and/or are coming to the end of their sentences, that is, who have been included in the pre-release programme. These are then moved to establishments near to the address set for early release, or discharge in the event of completing their sentences.

44. The Prison Infrastructure Plan calls for more sweeping changes in the design and construction of prisons with a view to creating contained treatment areas and more normal environments that look and are used in ways similar to non-prison environments. The system is structured so that persons deprived of their liberty are engaged in organized activities for at least 10 hours per day, with areas provided for tutoring, and settings that are appropriate for each of the different phases of correctional treatment.

45. In order to provide more places, the Federal Women's Correctional Complex IV in Ezeiza, Prison Unit No. 31 in Ezeiza, and Prison Centre I in the Salta province in Northwest Argentina, among others, have been extended. Building work has also started and a prison tendering and refurbishment process has been initiated in an effort to improve living conditions in the units concerned.

46. Persons deprived of their liberty can be placed in establishments close to their family homes that meet the requirements of their legal status and phase and stage of treatment. The Prison Infrastructure Plan also provides for the continued refurbishment and building of prison units with a view to providing more spaces and building new facilities in the provinces of Buenos Aires, Mendoza, Neuquén, Misiones, Chubut, La Pampa, Santa Fé, Formosa and Córdoba, among others. A project is already going ahead to build a new Federal Prison Complex III in the province of Salta, and there are plans to construct a new prison and a central neuropsychiatric institute in Ezeiza. These modern establishments are designed to provide accommodation for persons deprived of their liberty coming from those provinces.

2. Internal regime

47. The National Directorate of the Federal Prison Service noted that the classification system referred to in the Subcommittee's report is set out in chapter V "Conduct and category" of the Custodial Sentences Enforcement Act No. 24660, which provided additional information regarding the categories of classification referred to in paragraphs 41 and 43 of the Subcommittee's report.

3. Pretrial detention

48. As of 10 May 2013, the Federal Prison Service population stood at 5,782 prisoners on remand and 4,302 convicted prisoners (Criminal Code, article 34, 06 PPL; Code of Criminal Procedure, article 77, 02 PPL). In accordance with the General Regulations on Accused Persons, Decree No. 303/96, prisoners on remand and convicted prisoners are held in separate, independent areas.

49. With regard to the electronic surveillance methods used in accordance with current regulations for persons under house arrest, records have demonstrated the success of such methods, while highlighting the need to improve prior assessments of the suitability of recipients and supervision arrangements. It has therefore been decided that the National

Social Rehabilitation Directorate, which reports to the Under-Secretariat for Prison Affairs of the Secretariat for Justice, will be responsible for supervising such arrangements.

50. Generally speaking, the advantage of electronic surveillance methods is to facilitate prisoner reintegration, to enable suspects to continue working and to maintain their family and social ties. It also introduces greater personal discipline while avoiding exposure to criminal influences in prison. Electronic surveillance is also an additional means of protecting victims of crime and civil society in general in cases where the risk factors are not excessive. They also assist in reducing or eliminating prison overcrowding, provide more efficient control of house arrest, and allow for more efficient management of offenders serving community service sentences, besides ensuring greater efficiency in the management of offenders with specific criminal tendencies and strengthening the protection guarantees given to victims of crime or civil society in general.

4. Health services

51. A brief report was prepared as part of the Prison Health Programme run by the Community Medicine Directorate of the Ministry of Health is given in annex 3 together with the Strategic Comprehensive Health Plan for the Federal Prison Service 2012–2015. This strategic plan was approved by joint Ministry of Justice and Human Rights and Ministry of Health Decisions (No. 010 and No. 77 respectively) of 23 January 2013 and aims to build a comprehensive health-care system for persons deprived of their liberty.

52. The plan contains the strategic planning guidelines for consolidating health care in conditions of detention and strengthening public health and social inclusion programmes in general, as implemented by the State in federal prison units.

53. The measures proposed in the plan include: introducing new national and provincial health-care programmes in prison units, concluding new cooperation agreements with public hospitals, national universities and other research organizations in the field of health, and performing regular health checks on all persons deprived of their liberty, particularly pregnant women and children under 4 years of age.

54. The plan's objectives also include: strengthening communicable diseases prevention strategies; optimizing the management of resources and inputs, for example through full access to contraceptive methods and the Ministry of Health's complete official schedule of vaccinations; conducting ongoing and targeted training and awareness-raising campaigns for health professionals working in the Federal Prison Service and among the prison population, and digitizing the medical records of persons deprived of their liberty.

55. With regard to managing the procurement of medicines, it should be noted that the REMEDIAR+ Networks Programme of the Ministry of Health covers many of the requirements. While the programme covers the basic requirements in terms of medicines of individual prison establishments, the Health Directorate is also organizing the procurement, through special mechanisms, of annual supplies of medicines, disposables, dental materials, laboratory supplies and materials and radiology materials through a tendering process. The REMEDIAR+ Networks Programme distributes medicines according to a logistical distribution plan with support from the private postal service "OCA". Medicines and medical supplies purchased directly or by public tender are sent to the Medical Supplies Division (Central Pharmacy), from which they are subsequently redistributed to the individual federal prison units.

56. The supply of medicines for the Central Prison Service follows the same procurement process as for the rest of the prison system. In Note No. 261/2013 DS, a request was made for Prison Unit No. 28 to be reinstated in the REMEDIAR+ Networks Programme. The Central Prison Service, and therefore the Judicial Detention Centre (Prison Unit No. 28), has a medical service run by a Chief Medical Officer, who coordinates 24-

hour medical and nursing coverage. It also has a psychological support service, which applies the provisions of the Suicide Prevention Programme to all incoming prisoners.

57. The implementation of various prevention and health awareness programmes jointly with the Ministry of Health has been strengthened following the signing of the framework cooperation and assistance agreement between the Ministry of Justice and the Ministry of Health in June 2008, which has extended coordinated and organized activities between the two ministries thereby ensuring universal access to health care for all persons deprived of their liberty in the federal prison system.

B. Conditions of detention

1. Physical conditions

58. The Work and Production Directorate is currently engaged in works to bring substandard prisons into line with the basic habitability conditions set out in Ministry of Justice and Human Rights Decision No. 2892 dated 2 October 2008 (Official Gazette, No. 296), which guarantee health and hygiene by establishing suitable accommodation facilities that conform to uniform parameters based on the international standards of the International Committee of the Red Cross.

59. The Prison Infrastructure Plan calls for more sweeping changes in the design and construction of prisons with a view to creating contained treatment areas and more normal environments, which appear and function in ways similar to non-prison environments. The premises are structured so that persons deprived of their liberty are engaged in organized activities for at least 10 hours per day, with areas provided for tutoring, and settings that are geared to each of the phases of correctional treatment.

60. The Directorate for Workplace Safety and Protection against Accidents is a technical body within the Federal Prison Service that draws up and implements prevention policies in the areas of safety and hygiene, occupational health and protection against accidents, in addition to setting general standards, regulations and procedures for satisfactory compliance with institutional standards.

2. Food

61. With regard to internal controls of all tendering processes, particularly those concerning food purchases, monitoring is conducted through a system integrated into, or in conformity with, the internal control mechanisms of the National Directorate of the Federal Prison Service, as well as several external monitoring mechanisms involved in specific processes or stages of the tendering process.

62. Several Directorate departments, sub-offices and bodies are involved in these monitoring mechanisms, including: the Health Directorate Nutrition Department (responsible for checking and calculating food and meal quantities on the basis of the amount required in each institution), the Accounts Auditing Directorate (which monitors the technical and administrative aspects of the tendering process), and the General Auditing Directorate (which ensures the strict implementation of both administrative procedures and the legal aspects that govern contracts in the national public sector).

63. In its report, the National Directorate of the Federal Prison Service mentioned the participation of the following bodies in all stages of the tendering process: the Internal Auditing Unit, attached to the Ministry of Justice and Human Rights, the General Syndicate of the Nation, and the Auditor General of the Nation. It should be noted that all types of purchases and acquisitions are supervised, monitored and evaluated by the National Contracts Office attached to the executive office of the Cabinet of Ministers, which is in

constant contact with the Contracts Directorate through the Unified Local System computing programme, an online system used to upload data on all stages of the tendering process.

64. With regard to the execution of contracts, the reception commission, chief of administration and director of each prison are responsible for applying the set of instructions "supplies 008, reception commission 06".

3. Activities

65. The National Directorate of the Federal Prison Service considers education and work to be a fundamental part of rehabilitation, constituting a right and duty of persons deprived of their liberty and benefiting their development. Therefore, all persons deprived of their liberty in the federal system have access to various educational and work opportunities in the workshops located in each prison. The main objective is to give detainees training that can be applied after release from prison.

66. The educational policy fully complies with the provisions of Act No. 20416, in accordance with Acts Nos. 24660 and 26695, the educational coordination of vocational training set out in chapter VII, article 114, of Act No. 24660, and the provisions of the National Education Act (No. 26206) in general, and the stipulations of chapter XII, articles 55 to 59, of that Act in particular.

67. Persons deprived of their liberty receive formal and informal education and cultural activities in all federal prisons. Currently, out of 9,955 persons deprived of their liberty, 6,909 receive primary, secondary, tertiary or university education, that is to say, 69.4 per cent of the prison population is undergoing formal education. Agreements have been made with the various education authorities that provide formal education. Informal education comprises vocational training, physical training and sport and cultural activities.

68. The National Prison Work Programme operates within the Under-Secretariat for Prison Management with the aim of promoting the right of detainees to work, encouraging participants to produce goods, and advocating a strong work ethic as a vital tool for social resettlement in the outside world.

4. Isolation regime

69. The Federal Prison Service has separate areas that provide temporary accommodation for detainees in certain circumstances, which does not constitute segregation. For example, there are wings to house new prisoners while they are being evaluated by different departments, such as criminology, education, work, social welfare and the medical service, before being assigned suitable accommodation.

70. Persons deprived of their liberty are placed in provisional isolation only when they have committed an offence that appears prima facie to be a serious breach of the disciplinary system, or to maintain order or to safeguard personal safety, or to clarify the facts, on the orders of the prison director, in accordance with Decree No. 18/97 on Regulations for the Discipline of Inmates.

71. The Protocol for the Implementation of Protection Measures for Especially Vulnerable Persons is currently being implemented and is the outcome of the efforts of the working group on protecting physical integrity, established on 14 May 2012 under Official Gazette No. 456. The Protocol defines protection measures as exceptional, subsidiary, limited in time, subject to periodic monitoring and designed for the benefit of detainees. The measures aim to strengthen the protection of the physical and psychological safety of persons deprived of their liberty.

72. In view of the need to regulate protection measures for especially vulnerable people, as mentioned above, the Protocol was drawn up by a working group, comprising staff from the Federal Prison Service, the National Human Rights Secretariat, the Office of the Ombudsman for the Prison System, the Chief Public Defender's Office and human rights bodies. The Protocol was approved by the Federal Court of First Instance for Criminal and Correctional Cases No. 1, Secretariat No. 1, of Lomas de Zamora.

73. The Protocol, which is given in annex 2, was approved, subject to submission to the Ministry of Justice and Human Rights, by the National Directorate of the Federal Prison Service in Decision No. 384 dated 10 April 2013 (Official Gazette No. 456), which specifically states that protection measures are exceptional, subsidiary, limited in time, subject to periodic monitoring and designed for the benefit of detainees, with the aim of strengthening the protection of the physical and psychological safety of persons deprived of their liberty held in any establishment of the Federal Prison Service.

74. The Protocol's main objective is to ban individual or collective isolation and restrictions to the rights and activities of detainees, thereby preventing the deterioration of their detention conditions and the disruption of the activities in which they participate. The term "protection measures" covers a broad range of reasons for which persons deprived of their liberty may require special protection (e.g. being a first offender, sexual identity, the offence committed, the potential for conflict within the prison, wing or area, health problems, and acts of violence).

75. The National Directorate of the Federal Prison Service stated that these specific regulations are constantly being evaluated in order to improve substandard aspects.

5. Contact with the outside world

76. The procedure for visiting persons deprived of their liberty in the Federal Prison Service is laid down in the Communication Regulations for Inmates, approved by Decree No. 1136/97, issued by the federal executive branch (Official Gazette No. 71).

77. According to the regulations, visits by family or close relations may be: (a) ordinary; (b) extraordinary; (c) for family consolidation; (d) exceptional; or (e) between inmates. Family consolidation visits aim to consolidate and strengthen relationships between persons deprived of their liberty and their close family, who may include those accredited as spouses, parents, offspring, siblings or partners.

78. The National Directorate of the Federal Prison Service reported that the regime of visits for persons deprived of their liberty is applied in strict compliance with the regulations contained in current legislation, which neither specifically provides for conjugal visits between persons of the same sex nor forbids them, so that they are at present authorized. Prisons aim to conduct security procedures at visitor receptions as quickly as possible, depending on the number of visitors on any particular day. Furthermore, the regime of visits in the Federal Prison Service is much broader than that of any European prison system.

79. As previously stated, conjugal visits are not restricted on grounds of gender or sexual orientation, nationality or any other. Currently, such visits are granted to those able to provide proof of marriage or a cohabiting relationship, in which case a civil statement with two witnesses must be presented before a magistrate's court. This applies to heterosexual and homosexual relationships, as well as relationships established within the prison.

80. Persons deprived of their liberty have access to public telephones in all prisons in order to communicate with their families and close relations.

81. In order to prevent any harassment or ill-treatment of visitors and to preserve their intimacy and modesty, state-of-the-art technological detection systems, which are more effective and less invasive, are used to monitor those entering and exiting federal prisons. It should be noted that this procedure is part of a security system comprising different devices and phases, which is set out in the relevant procedural manuals, protocols, applications and guides.

82. In that regard, Ministry of Justice and Human Rights Decision No. 829 dated 17 June 2011 approved the "Procedural Guide for the Use of Trace Detection Systems in Prisons". This guide has provided the Directorate with more effective and less invasive tools for monitoring persons in order to prevent and detect narcotics, firearms, explosives and any other substance or item that might threaten security, with the aim of preserving the life and health of those in prisons.

83. This system's fundamental objective is to prevent the entry of prohibited items, such as narcotics, firearms, explosives or mobile phones, while preserving the modesty and intimacy of visitors.

84. One of the functions of the Federal Prison Service is to undertake the prevention of acts of torture, ill-treatment and institutional violence and to report any such acts occurring in any of its prisons to the judicial authorities. To this end, cameras have been progressively installed and are already operative in the main complexes and prisons as an in situ prevention method guaranteeing the safety of persons and property, recognized in the United Nations Guidelines for the prevention of delinquency. Additionally, a video recording of searches must be made whenever there is a risk of abuse or violence, and all recordings are made accessible to the judicial authorities.

85. In such cases, it is established that prison staff cannot be defended by Federal Prison Service counsel, as laid down in National Directorate Decision No. 2515 dated 12 December 2011 (Official Gazette No. 3023).

C. Violence during incarceration

86. The National Directorate of the Federal Prison Service reported that in order to standardize the response of prison staff to critical situations and to prevent and minimize possible damage, procedural protocols concerning action in the event of accidents, fires and other hazards have been approved. A protocol for preventing and resolving violent situations in prisons housing young adults was drawn up jointly by the Federal Prison Service, the Office of the Ombudsman for the Prison System, the Chief Public Defender's Office, ministerial representatives, and NGOs such as the Centre for Legal and Social Studies.

87. In 2011 a working group was set up to administer and design comprehensive plans, programmes, and policies for the promotion of the rights of persons deprived of their liberty and for the prevention of torture and other cruel treatment or punishment. This group will look at the routines used in federal prison facilities with a view to recommending the adoption of other procedures that will help to strengthen the protection of inmates' human rights.

88. The Chief Public Defender's Office has established an office to record, systematize and follow up on information regarding acts of torture and other forms of institutional violence. It is this office's responsibility to uncover acts of torture, other forms of institutional violence and inhumane conditions in federal prison facilities and to take the appropriate action in each case.

89. The Advisory Committee on Prison Policies for Young Adults was created by National Directorate Decision No. 1172/2011 and, together with the Directorate, was made responsible for designing, implementing, monitoring and following up policies and actions aimed specifically at young male adults in prisons.

90. T! ough the Department of Corrections (Health Directorate), a framework suicide prevention programme has been set up for persons deprived of their liberty in the Federal Prison Service.

91. Within the Under-Secretariat for Prison Management, which reports to the Secretariat for Justice, the "Internal Affairs of the Federal Prison Service" programme was implemented through Ministry of Justice and Human Rights Decision No. 2737 dated 30 November 2012. The programme takes cognizance of all inquiries and administrative proceedings with grave institutional implications resulting from extremely serious or serious offences or suspected torture or other inhuman, cruel or degrading treatment and/or crimes covered by the provisions of articles 143, 144, 144 bis, 144 ter, 144 quater and 144 quinquies of the Criminal Code. Consequently, all members of the Federal Prison Service staff are subject to monitoring by the programme in the performance of their duties and are required to file reports and offer their full cooperation.

92. In terms of training, the human rights training course for Federal Prison Service staff focused specifically on torture and inhuman, cruel or degrading treatment. It was designed by the Under-Secretariat for the Promotion of Human Rights of the National Human Rights Secretariat and implemented by the Under-Secretariat together with the National Directorate of the Federal Prison Service. The training course's aim was to raise awareness among prison staff of the processes that cause and give rise to these aberrant acts that violate the dignity of persons deprived of their liberty, and of the State's obligations in that regard. It also attempted to give prison staff tools for preventing torture and inhuman, cruel or degrading treatment in their work environments.

93. Additionally, with the aim of promoting practices that are more respectful of human rights within the Federal Prison Service, the Ministry of Justice and Human Rights, in Decision No. 1243 dated 12 July 2012, created the Gender Office, principally to promote and protect the rights of Federal Prison Service staff, particularly female staff, and to analyse and evaluate situations related to the employment and professional development of women and men in the Federal Prison Service, so as to encourage and guarantee equality of access, careers and promotions and the elimination of discrimination and gender-based violence in the prison system.

94. Among other tasks, the Gender Office receives and processes enquiries and complaints regarding discrimination, workplace violence, institutional violence and gender-based violence occurring within the Federal Prison Service and affecting its staff, both women and men.

95. The State has demonstrated its strong commitment to the gender policies promoted by the National Executive that aim to prevent and reduce violence against women in all circumstances involving interpersonal relationships. National Directorate Decision No. 177 dated 21 February 2013 (Official Gazette No. 490) concerning firearms in cases of reported violence provides that when a complaint is lodged of domestic violence, battery and/or misuse of firearms by Federal Prison Service officials, and in the light of the measures provided for in Acts Nos. 26485 and 24417, the necessary actions to safeguard the physical, psychological and moral safety of the complainant must be carried out without delay, by limiting and/or restricting the right of the officials to possess, carry and transport any weapons and ammunition issued to them.

VI. Juvenile detention centres

96. The Secretariat for Children, Young Persons and the Family, attached to the Ministry of Social Development, produced the report contained in annex 4 on the Subcommittee's preliminary and concluding observations. Some substantive aspects are reproduced below.

97. The Secretariat for Children reported that the closed socio-educational centres and restricted-release socio-educational homes, attached to the Secretariat and belonging to the Ministry of Social Development, are specialized institutions that comply with United Nations regulations on juvenile criminal justice systems (annex 1, article 19, of Decree No. 415/2006) and are part of the socio-educational system.

98. The centres and homes are regulated by Ministry of Social Development Decision No. 3892 of 7 December 2011 and Secretariat for Children, Young Persons and the Family Decision No. 991 of 27 May 2009, which approved the General Regulations for Closed Centres, with its protocol for reporting ill-treatment (annex 2)

99. Furthermore, it is important to note that these centres are monitored by a special commission of the Chief Public Defender's Office and regularly visited by inspectors. The centres hold training workshops for young people taught by NGOs and universities.

100. As was mentioned in the section on detention conditions, there is an Admission and Referral Centre for adolescents accused of criminal offences as part of a cooperation agreement between the Secretariat for Children, Young Persons and the Family and the former Secretariat for Prevention Policies and Community Relations within the Ministry of Security. The Centre was established on 23 August 2011 by Secretariat for Children, Young Persons and the Family Decision No. 1467/11 with the aim of guaranteeing specialized accommodation for detained minors, in order to end their detention for offences committed in the Federal Capital, on the premises of the federal police or other security forces attached to the National Executive (in accordance with the third clause of the above-mentioned cooperation agreement).

101. Through the Federal Council for Children, Adolescents and the Family, created under Act No. 26061 (art. 45), as a deliberative body responsible for drawing up proposals and policies to be applied at the federal level, numerous agreements have been concluded in this area, such as:

- A policy respecting the human rights of adolescents who have committed criminal offences (at a meeting held on 18 April 2008);
- Publication of a report on the national survey of provisions and programmes for juvenile offenders (at meetings held on 7 and 8 August 2008);
- "Adolescence Does Not Mean Insecurity" (at meetings held on 6 and 7 November 2008);
- "Towards Better Quality for Juvenile Offender Facilities" (at meetings held on 19 and 20 May 2011).

VII. Mental health

102. Annex 5 contains the regulations of the National Mental Health Act No. 26657. The National Human Rights Secretariat participated actively in drawing up the draft regulations, which have received favourable views from different departments of the Ministry of Health; the Ministry of Labour, Employment and Social Security; the Ministry of Justice and Human Rights and the Office of the President.

VIII. Information concerning the Province of Buenos Aires

103. The following is a summary of the information provided by the provincial government of Buenos Aires on the prison system in the province (the full report may be found in annex 6).

A. Police custody

1. General issues

(a) Information on the rights of persons held in custody

104. The provincial government reported that posters specifically designed according to requirements are currently being displayed in police premises, in strict compliance with the Subcommittee's recommendation. Furthermore, in the survey conducted under Ministerial Decision No. 879/13, to which the province refers in detail in point 5 of the replies annexed to this report, it may be verified that the posters have been duly displayed in every premise inspected.

(b) The right to notify a third party

105. The provincial government reported that enjoyment of this right is expressly provided for by current provincial legislation. In that regard, article 16 of Act No. 13482 expressly provides that:

> "[...] All persons deprived of their liberty shall be informed by the police officers responsible for their detention, immediately and in an understandable manner, of the specific reason for their deprivation of liberty and of their rights: [...] c) To communicate immediately with a family member or close relation in order to notify them of their arrest and current place of detention."

106. Furthermore, the Ministry of Justice and Security of Buenos Aires province recognizes the importance of the effective application of this right. Accordingly, Decision No. 2279 of 29 November 2012 establishing the Procedural Protocol for Police Officers in the Province of Buenos Aires concerning Identity Checks provides for its full enjoyment, chapter IV stating that:

> "... e) Communication: detainees have the right to communicate immediately with a family member and/or lawyer and/or trusted person in order to notify them of their situation, and all necessary means shall be put at their disposal for that purpose. A record of the communication shall be kept in the duty logbook, specifying the persons contacted, their telephone number and the number of the call".

107. The provincial government also made clear that this right is displayed on the posters mentioned previously.

(c) Medical examinations and medical assistance during police custody

108. On this point, the provincial government reported that the provincial authorities have minimized the numbers of persons held in police stations and the length of their detentions, pointing out that this improvement has also facilitated the immediate transfer of sick persons in police custody to the HIGAM No. 22 prison hospital situated in Lisandro Olmos.

109. This mechanism was recently formalized in Ministerial Decision No. 879/2013, annexed herewith, which definitively establishes mechanisms to immediately transfer sick

and pregnant detainees to the Buenos Aires prison service, which has the appropriate treatment facilities.

(d) Staffing

110. The Buenos Aires government reported that a policy to increase salaries has been in force since March 2010, giving priority to Buenos Aires police staff on lower pay grades, and aiming to benefit command and general ranks more than administrative staff. In that regard, it reported that in March 2013 police salaries were increased by between 21 and 34 per cent, according to above-mentioned priorities.

111. Furthermore, reforms to staffing were introduced in response to a long-standing complaint of non-commissioned officers that the previous legislative reform had damaged their career prospects more than those of other ranks. The measure reversed by Act No. 14383, approved by the National Executive, involves former principal and major non-commissioned officers, who are currently lieutenants and first lieutenants in the general category or general services, who were promoted to the rank of captain and major, respectively. In addition to greater recognition, this represents a clear improvement in the salaries of almost 14,000 staff. Moreover, under Decree No. 194/11, salary increases have been granted to all major and principal non-commissioned officers in the Buenos Aires Prison Service.

112. Similarly, the provincial authorities reported that these reforms put an end to the staffing crisis in the police and prison system, bringing promotions into line with objective guidelines and allowing 40,000 police officers and 9,000 prison staff to be promoted during the last two years, with the corresponding increases in their salaries.

113. They also reported that the General Directorate for Social Action for the Buenos Aires Prison Service, established by Decree No. 1542/10, was recently made fully operational, with the aim of improving the standard of social services and service staff benefits, responding to a long-standing demand by staff for greater autonomy in the administration of their social contributions.

114. With regard to training, the report from the provincial authorities includes the study programmes of several police training academies, which show that specific human rights training materials are kept at a central facility.

115. Lastly, the provincial authorities reported that police staff receive human rights training as part of the agreement between the Minister of Justice and Security, Ricardo Casal, and the Ombudsman, Carlos Bonicatto. The course on human rights for police staff, currently being taught for the second time this year, and for the second consecutive year, is coordinated by the Human Rights Institute of the National University of La Plata.

2. Conditions of detention

116. The Province of Buenos Aires reported that, without prejudice to the checks carried out by the relevant police department, under Ministry of Justice and Security Decision No. 880/13, the Internal Audit Office, the Under-Secretariat for Operations and the Under-Secretariat for Crime Policy and Judicial Investigations must carry out, within 60 days, a broad survey of authorized police stations, which will provide an opportunity to monitor accommodation conditions and the situation of detainees, as a basis for decisions to be made regarding the future of those stations, bearing in mind the low number of persons detained in them.

3. Torture and ill-treatment

117. The provincial government has provided a report from the Internal Audit Office, describing its activities. This Office, which is independent of the police service, is staffed by civilian professionals and reports directly to the Ministry of Justice and Security. In accordance with Act No. 13204, the Office carries out significant work in combating corruption, abuse of authority and human rights violations occurring in the course of police activities. It is tasked with preventing, investigating and sanctioning such abuse of authority.

B. Prisons

1. General issues

118. The provincial government drew attention to the practical changes it has made in order to demilitarize the Prison Service, including the appointment of a civilian lawyer to the position of head of the Service since 2005. That position is currently held by María Florencia Piermarini, a lawyer with specialized training in human rights and the first woman to head the prison service.

119. Similarly, all programmes implemented recently are led by civilians, such as the departmental authorities, which are managed and coordinated by two professionals. Therefore, this new initiative allows civilians to assume leadership roles not only at the highest levels, but also in key areas such as prison management.

120. The provincial authorities reported that since the Subcommittee's visit, not only has progress been made with the inauguration of new facilities, but the model has been replicated in two further prisons in Melchor Romero and José C. Paz.

121. Furthermore, the provincial authorities emphasize that the operation of the different prison departments is supervised by civil servants who report directly to the Ministry of Justice and Security. These include: the 20 civilian supervisors attached to the Provincial Directorate for Prison Policy, who between them visit all prisons at least twice a week (Ministry of Justice Decision No. 65/04); the 30 representatives of the Ministry of Justice and Security in the admission and follow-up groups (Decree No. 2889/04); and the more than 2,000 professionals in the prison health department who work independently of the Prison Service (Decree No. 950/05).

122. In turn, the provincial government reported that all major decisions are monitored on a daily basis by civil servants belonging to the Under-Secretariat for Crime Policy, with priority given to monitoring the Provincial Directorate for Prison Policy, the Directorate for the Prison Population, the Inspection and Control Directorate, the Provincial Directorate for Contentious Issues and the Directorate for Crime Policy.

123. Lastly, the provincial government demonstrated that it fully shares the stated objective and will continue to make further changes in that regard.

(a) Pretrial detention

124. With regard to pretrial detention, the provincial government referred to the provisions of Ministry of Justice and Security Decision No. 1938/10, which bases its classification of detainees on the separation, according to the status of their proceedings, between accused persons and convicted persons, and between men and women, and also takes into account factors such as age, the nature of the offence committed or sanctioned, criminal and psychosocial profiles and other vulnerable conditions requiring specialized treatment, such as total or partial disability.

125. In that regard, it points out that article 2 of the decision provides expressly that "accused persons shall be housed separately from convicted persons" and defines specific locations according to various criteria for each accommodation area. For example, Prison Unit No. 1 in Lisandro Olmos houses accused persons, while Prison Unit No. 30 in General Alvear houses only convicted persons, a situation verified by the Subcommittee itself, which has found that, except in less than 10 per cent of cases, the guidelines are observed, the remainder being subject to exceptional circumstances. For example, since Prison Unit No. 1 provides university education, this warrants more flexible rules so as to ensure that detainees can continue their studies. A report on the current condition of the prison population in the light of Decision No. 1938 is annexed herewith.

(b) Health services

126. In its response to the Subcommittee's preliminary observations, the provincial government reiterated that, based on the Subcommittee's observation, the training department of the Provincial Directorate for the Prison Health Service drafted a model clinical file and set of instructions for professionals, which is to be used in case of injuries, and which incorporates the recommendations of the Istanbul Protocol.

127. This model, which is being distributed to all health units, requires the professional to record the cause of the injuries and the detainee's initial account, and contains charts of the human body in order to record injuries in greater detail.

128. To accompany the model, the Provincial Directorate for the Prison Health Service organized a series of training sessions for medical professionals, which were also attended by members of the judiciary.

129. Regarding the existing prison health system, the provincial government reported that the Provincial Directorate for the Prison Health Service works independently of the Prison Service and cooperates fully with the provincial Ministry of Health to ensure that health standards are replicated across the province of Buenos Aires.

130. The provincial government drew attention to its ongoing cooperation with the Ministry of Justice, as demonstrated by the full implementation of the primary health-care medicine distribution programme (the "Remediar" Programme) as of December 2010, which standardizes the data relating to the rational use of medicines across the health units of the province of Buenos Aires.

131. Furthermore, it reported that a handbook has been drafted that lists 55 basic supplies for treating clinical and psychiatric conditions, which are distributed by the Ministry of Health to ensure the continuous and planned provision of these treatments to all detainees in the province.

132. This mechanism allows the Provincial Directorate for the Prison Health Service to monitor medicine stock levels, thereby avoiding any shortages that might occur, and to check that the correct medicines are prescribed for persons deprived of their liberty.

133. Psychiatric drugs are delivered on a daily basis to patients initiating treatment, and on a weekly basis to those with chronic conditions who are trusted to take them correctly. When there are grounds to suspect that a psychiatric drug may be used as currency or barter, it is delivered on a daily basis so that it can be more carefully monitored.

134. The provincial government also reported that a plan for the administration of psychiatric drugs in prisons was implemented in 2010, which provides that administration of these drugs is subject to an appropriate prescription, a procedure audited and supervised by the Provincial Directorate for the Prison Health Service.

2. Conditions of detention

(a) Physical conditions

135. The provincial authorities reported that building deficiencies are rectified through a specially designed mechanism. By Decree No. 1662/08, the governor decentralized resources in order to optimize the activities conducted in prisons. Under the terms of that decree, prison directors are authorized to contract suppliers directly in order to resolve everyday problems in certain areas, such as the "corrective and preventive maintenance of the building". The decree provides for a system for monitoring such spending, which not only places responsibility with the director and head of the prison, but also monitors the effective reception of goods in cooperation with the Ministry of Justice and Security through civilian supervisors.

(b) Food

136. The provincial government of Buenos Aires reported that the "Set Meat Menu" programme (*Menú Único de carnes*) was launched in March 2011, with a view to making quantitative and qualitative improvements to the weekly diet of the prison population in all prisons in the Province of Buenos Aires, with the exception of those with their own catering service. Details of the programme can be found in the extended version of the report.

137. Additionally, the Prison Service's Directorate of Food Safety and Hygiene set up a continuous training scheme for both staff and detainees working in storage facilities, in order to highlight and develop best manufacturing practices, thereby reducing the risk of food-borne illnesses.

138. The provincial authorities also reported that, in response to the Subcommittee's observations, the Ministry of Justice and Security has increased the frequency of visits by specialized staff to various facilities, in order to monitor both food quality and conditions of health and safety in kitchens and storage areas.

(c) Activities

139. The provincial government confirmed that, in line with what has already been mentioned, in the area of training in recent years many new projects have been launched. Through the building infrastructure programme, schools were built at Prison Units No. 14 in General Alvear, No. 27 in Sierra Chica, Nos. 31 and 32 in Florencio Varela, No. 40 in Lomas de Zamora, No. 43 in La Matanza, No. 46 in San Martín, No. 47 in San Isidro, No. 52 in Azul and No. 54 in Varela. A further four were renovated at Prison Units No. 9 in La Plata, No. 19 in Saavedra, No. 24 in Varela and No. 45 in Melchor Romero.

140. Additionally, all schools located in prisons now have teaching staff, at both the primary and secondary levels, from the Directorate-General for schools of the Province of Buenos Aires, leading to record matriculation levels in the Prison Service in 2012, with 15,000 students attending courses at the primary, secondary, tertiary and university levels, as well as vocational training courses.

141. The provincial government also reported that in 2012 new schools were opened at Prison Units Nos. 10 and 34 in Melchor Romero, No. 54 in Florencio Varela and No. 30 in General Alvear, where eight new classrooms were built, increasing capacity by 25 per cent. Taking all levels of formal and informal education into account, it is safe to say that 62 per cent of persons deprived of their liberty currently participate in educational activities, an increase of 10 per cent on the figures for 2012.

142. With regard to income from work activities, the provincial government reported that new guidelines have been issued for work in prisons this year. Work activities, particularly

those organized by the private sector, have been restructured through the INCLUIRTE programme, which is governed by the following guidelines:

- Businesses must arrange accident insurance and comply strictly with the health and safety regulations in force;
- Theoretical instruction activities must be coordinated with the practical technical segment;
- Given that the objective of the activity is vocational training, the working day cannot exceed 6 hours, with a maximum of 36 hours a week;
- The incentive that detainees receive for engaging in activities must not be lower than the adjustable living minimum wage for workers, which is adjusted through national legislation;
- Accreditation of the knowledge acquired is carried out by the Provincial Directorate-General of Education;
- The Ministry of Labour must verify compliance with health and safety regulations.

(d) Isolation regime

143. In this respect the provincial government reported that on 14 May 2013 the head of the Buenos Aires Prison Service approved Decision No. 1481/13, which enshrines the exceptional nature of isolation and regulates the procedures and time limits for the punishment, establishing precautions and guarantees to ensure compliance.

3. Violence during incarceration

144. The provincial authorities of Buenos Aires commented on the request made by the Subcommittee in paragraph 76 of its report, relating to the enquiry into the incident and the situation of the inmate in question. They reported that, as outlined in their response to the preliminary observations, explicit directives were issued in order to avoid any reprisals against security and administrative staff at all levels of the Prison Service. Compliance with the directives has been monitored by the Provincial Directorate for the Prison Police, which has confirmed that no aggression towards, or ill-treatment of, staff has occurred. In that regard, Dr. Cecilia Medina, Director of the Prison Population and attached to the Provincial Directorate, reports that inmate "L.V." is currently being held in Prison Unit No. 35 in Magdalena, while inmate "P.C." is detained in Prison Unit No. 31 in Florencio Varela; neither inmate has lodged any complaint concerning the way they have been treated by prison staff.

145. It is important to note that the investigation into the incident was initiated by the Inspection and Control Directorate of the Ministry of Justice and Security itself and resulted in sanctions for three prison officers, as stated in Decision No. 001/13 and the additional report of the Inspection and Control Directorate, both annexed for information.

146. Lastly, regarding the observation that Prison Unit No. 1 in Olmos should be closed definitively, the Provincial Ministry of Justice and Security agrees that replacing the oldest prison buildings (which could also include Prison Units No. 5 in Mercedes and No. 2 in Sierra Chica) is advisable and may become possible as progress is made with the departmental facilities and Houses for Prisons programmes and after other priority objectives have been met.